

House Bill 565

By: Representatives Howard of the 121<sup>st</sup> and Parham of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, so as to create the Commission for the Blind and the Visually Impaired; to provide for a short title; to provide for legislative intent; to provide for the composition and appointment of commission members; to provide for an executive director; to provide for duties; to provide for an annual report; to provide for a complaint process; to specify the powers and duties of the commission, transferring functions otherwise assigned; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is amended by adding a new chapter to the end of such title to read as follows:

"CHAPTER 11

30-11-1.

This chapter shall be known and may be cited as the 'Commission for the Blind and the Visually Impaired Act.'

30-11-2.

As used in this chapter, the term:

(1) 'Blind or visually impaired' means a person:

(A) Having a central visual acuity of 20/200 in the better eye with the best corrective lens, or a visual field of 20 degrees or less; or

(B) With a severe visual disability resulting in legal blindness verified by an eye examination.

(2) 'Commission' means the Commission for the Blind and the Visually Impaired.

30-11-3.

(a) The purpose of this chapter is to establish and authorize a coordinated program of services throughout this state that will be available to individuals who are blind or visually impaired. The program shall be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

(b) It is the policy of this state that all programs, projects, and activities of the commission shall be carried out in a manner consistent with the following principles:

(1) Respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice;

(2) Support for the involvement of an individual's representative if an individual requests, desires, or needs such support;

(3) Respect for the individual's privacy and equal access, including the use of information in accessible formats; and

(4) Integration and full participation of individuals who are blind or visually impaired in society on equal terms with others.

30-11-4.

(a) The Commission for the Blind and the Visually Impaired is hereby created. The commission shall consist of a chairperson and five members. The Governor shall appoint one member and the chairperson, the Speaker of the House shall appoint two members, and the President of the Senate shall appoint two members. The chairperson and members shall be qualified to serve based on knowledge and experience in rehabilitation and related services for the blind or visually impaired. A majority of the members shall be blind or visually impaired. No member of the commission shall be employed by the commission during the term of such membership.

(b) The Governor, the Speaker of the House, and the President of the Senate shall consult with consumer groups representing blind or visually impaired persons in this state to obtain their recommendations of individuals to be appointed.

(c) The appointment of each member shall be for a term of three years, except for the terms of the initially appointed members. One member appointed by each officer shall serve for terms of two years and the chairperson and the other initial appointments shall serve for terms of one year. Thereafter, all members shall be appointed for terms of three years.

(d) The commission shall meet quarterly and at such other times as it shall determine. The chairperson of the commission shall be elected by the members present and voting at the first meeting of the commission and annually thereafter. Commissioners shall receive no salary, but shall be allowed the usual mileage, subsistence, and per diem as authorized by

law. A majority of the members of the commission shall constitute a quorum to transact business.

(e) The Georgia Statewide Coalition on Blindness shall be the official advisory committee with the responsibility of reporting to the commission.

30-11-5.

(a) The commission shall appoint an executive director with knowledge and experience in rehabilitation and related services for the blind or visually impaired. The executive director shall serve as secretary to the commission and shall be the chief administrative officer of the commission. The executive director's appointment shall be for an indefinite period but may be terminated for cause as determined by a majority of the commission. Preference shall be given to employing an individual who is blind or visually impaired and meets the qualifications specified by the commission.

(b) The executive director shall employ such personnel as are needed and shall fix their compensation in a manner consistent with state law.

30-11-6.

(a) The commission shall:

(1) Develop and carry out a state plan for vocational rehabilitation services for individuals who are blind or visually impaired pursuant to Section 101 of the federal Rehabilitation Act of 1973, as amended;

(2) Provide independent living services for blind or visually impaired individuals, including services for older individuals who are blind or visually impaired, pursuant to Title VII of the federal Rehabilitation Act of 1973, as amended;

(3) Contract with private agencies who provide services for the blind or visually impaired to provide prevocational and other training such as, but not limited to, instruction in Braille, orientation and mobility for independent travel, homemaking and home-management skills, and communications skills, including the use of computer technology, to prepare blind and visually impaired persons for eventual vocational training, job placement, higher education, home usage such as reading of mail and letter writing, and independence;

(4) Establish and carry out a business enterprises program and serve as the state licensing agency for blind and visually impaired individuals pursuant to the federal Randolph-Sheppard Act;

(5) Establish and administer a state-wide program to certify individuals who are qualified to teach Braille to blind or visually impaired individuals, including individuals attending

elementary and secondary schools, using performance criteria based on the National Literary Braille competency examination administered by the Library of Congress;

(6) Purchase and distribute specialized equipment, devices, and technology, including low-vision aids, obtained directly from specialty vendors without state centralized purchasing procedures;

(7) Provide library services to persons who are blind or visually impaired and persons with physical disabilities in cooperation with the Library of Congress;

(8) Create and maintain an instructional media center for the production, purchase, distribution, reallocation, and warehousing of accessible materials for blind or visually impaired children and adults;

(9) Provide technical assistance in cooperation with other appropriate agencies to assist the Department of Education and local boards of education in the provision of auxiliary aids and services to blind or visually impaired students and their parents by complying with the federal Americans with Disabilities Act, as amended, and the federal Individuals with Disabilities Education Act, as amended;

(10) Provide technical assistance to agencies within this state in order to ensure that information technology purchased or used by such agencies is accessible to and useable by individuals who are blind or visually impaired at the time the technology is purchased or used;

(11) Participate, through the designation of the executive director or an appropriate staff member of the commission, on boards, commissions, or bodies which may exist or be established within this state for the purpose of coordination and planning of services;

(12) Conduct a review of consumer satisfaction with programs of the commission and perform other functions of the state-wide rehabilitation council specified in Section 105(c) of the federal Rehabilitation Act of 1973, as amended;

(13) Promulgate rules to carry out programs of the commission;

(14) Apply for and receive money from any state or federal agency to support the programs of the commission and receive on behalf of this state any gifts, donations, or bequests from any source to be used in carrying out the commission's duties as described in this chapter; and

(15) Develop and administer any other program which will further the provision of services to the blind or visually impaired and is determined by the commission to fall within its scope of responsibility.

(b) The commission may carry out any of the powers and duties enumerated in this Code section by contract or cooperative agreement or by the direct administration of any program.

30-11-7.

The commission shall publish an annual report including a list of accomplishments, findings, and recommendations for improvement based on its activities and performance during the year. The report shall contain information needed to evaluate the progress of the commission in meeting the needs of blind or visually impaired individuals in this state.

30-11-8.

(a) Any applicant for or recipient of services from the commission who is dissatisfied with any action taken or decision made regarding such services may file a complaint setting forth the basis for the dissatisfaction and the remedy sought. Upon receipt of the complaint, the executive director shall inform the individual of the voluntary process available for mediation of the dispute. The mediation, if chosen by the individual, shall be conducted by a qualified and impartial mediator and the cost shall be paid by the commission.

(b) If the dispute cannot be resolved by mediation or other informal means, the executive director shall, upon request of the individual, convene an arbitration panel which shall give notice, conduct a hearing, and render a decision. The arbitration panel shall be composed of three members appointed as follows:

(1) One individual designated by the individual filing the complaint;

(2) One individual designated by the executive director; and

(3) One individual chosen by the other designees who is an impartial hearing officer as defined in Section 102 of the federal Rehabilitation Act of 1973, as amended, who shall serve as chairperson of the arbitration panel and issue the decision.

(c) The commission shall promulgate rules sufficient to regulate the conduct of all proceedings required in this Code section and to ensure the rights of all parties participating therein.

30-11-9.

(a) The commission shall work cooperatively with private agencies that provide services for the blind or visually impaired. All existing contracts and agreements in effect concerning services for the blind or visually impaired shall be binding upon the commission to the same extent that such contracts or agreements were binding upon the agency from which they were transferred.

(b) All proceeds from claims filed with any agency, including the Social Security Administration, which relate to the provision of services for the blind or visually impaired shall be transferred to the commission from any agency receiving such proceeds."

164 **SECTION 2.**

165 This Act shall become effective on July 1, 2009.

166 **SECTION 3.**

167 All laws and parts of laws in conflict with this Act are repealed.